

Notice of Allowability

Application No.

10/709,112

Examiner

Daniel A Hess

Applicant(s)

KELLEY ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/29/04 reply.
2. ☒ The allowed claim(s) is/are 1-13, 15-27 and 30-38.
3. ☒ The drawings filed on 14 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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ALLOWANCE

Remarks

This action is in response to an amendment received 9/29/2004, which has been placed in the file of record.

Rejections under 35 USC section 112 are withdrawn on the basis of amendments that have been made to the claims. The word 'unpredictable' had been considered indefinite in claims 1, 21 and 34. The applicant has specifically and satisfactorily defined 'unpredictable number of cycles' as being 'determined by a human action of unpredictable duration.'

Allowable Subject Matter

Claims 1-13, 15-27 and 30-38 are allowed.

The following is an examiner's statement of reasons for allowance:

First a discussion is made regarding claims 1 and 21 and claims which depend on these (i.e. 1-13, 15-27).

The prior art of record teaches in numerous places secure cards having pseudo-random number generators. Fujimoto (US 6,814,283) is one of many examples. The prior art fails to teach or provide any motivation for the pseudo-random generator to be determined by a clock the number of cycles of which is based on a human action of unpredictable duration.

Regarding claims 30, 31 these are allowable for reasons made clear in the previous Office Actions.

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Regarding claim 32, rejection is withdrawn, as Applicant's arguments are convincing.

The following arguments which convinced the Examiner are excerpted from page 8 of the 9/29 response:

A basic difference between Rahman and the claimed invention is that Rahman's invention deals with stored pseudo random numbers, while the claimed invention deals with pseudo random numbers that are generated for each transaction. The comparison with the pseudo random numbers at the server is done with stored numbers for Rahman, while, in contrast, in the claimed invention, it is done with numbers that are generated for each transaction. This is captured in Claim 32 where it is required that: "authenticating the credit card by comparing the outputs produced in step (b) with settings of the counter and GEN known to the financial institution". Rahman et al. do not teach or suggest transmitting the counter output to the host computer.

Nowhere could the Examiner find a teaching in which both the recited counter and GEN are transmitted to the financial institution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

DANIEL STCYR
PRIMARY EXAMINER

